



UNITED STATES OF AMERICA
DEPARTMENT OF STATE
UNITED STATES MISSION TO THE UNITED NATIONS
OFFICE OF THE SPECIAL ENVOY TO THE UNITED NATIONS CONFERENCE
ON SOVEREIGNTY AND SELF-DETERMINATION

For a nation to be free, it is only necessary that she wills it. [...] There is but one element of government, and that is the people. From this element spring all governments.

John Adams (1735-1826)

Mr. President,

The United States of America is a nation built upon multiple cultures, ethnicities, religions and ideologies. It has not been fate alone that brought together sons and daughters of immigrants from all over the world under the same symbols and history. More importantly, a shared idea has been bonding Americans throughout times: a common principle which states that all men and women are created equal and entitled to certain rights – and that among these are Life, Liberty, and the Pursuit of Happiness. In America, nationality is essentially a fact of conscience – a common sense of identity. Therefore, America understands it has a unique perspective that may add to the purposes of this meeting.

All themes of the forthcoming Conference have already been addressed – albeit tangentially – in other relevant instruments of international law. In spite of that, it is of utmost importance to design specific regulations in order to fill the void created by haziness and multiple or even contradicting interpretations of the general principles of international law regarding sovereignty and self-determination.

The United States of America is willing to support a document with these goals. Nevertheless, America will not assist nor adhere to a flawed text – i.e., which do not advance in lucidity nor represent any substantive improvement to the current international legal instruments. The American Government has a record of enforcing, especially through internalization, its international commitments. By the same token, America do not access to international regimes it is unwilling to fulfill. Therefore, the same posture will be followed by the United States on this Conference.

Mr. President,

Bearing in mind its own cultural heritage as well as the principles and beliefs of its founding fathers, the American delegation presents its contributions to the debates of the United Nations Convention on Sovereignty and Self-Determination. Moreover, the United States of America is willing to

see a fruitful Conference that may take in consideration not only the interests of the specific countries, but rather a global perspective.

This position is fully aligned with the guiding principles established by President Obama for the American foreign policy. Specifically, it is a position that refuses the false division between values and security, and understands that the United States can be true to its values and ideals while also protecting the American people.

Considering that the Conference should deliberate and possibly adopt the text of a Convention on Sovereignty and Self-Determination, the United States understands that several issues should necessarily be addressed. They are mentioned below:

- 1. Defining key terms** – A Convention, possibly serving as center of gravity of an issue-area in international law, should be precise and clear enough in order to avoid future conflicts and misinterpretations. Hence, the first part of the convention should define terms as, *inter alia*: i) territory; ii) territorial integrity; iii) political sovereignty; iv) people and/or nation; v) population; vi) government; vii) state; viii) self-determination; ix) self-government.
- 2. Political sovereignty and territorial integrity** – Besides stating a precise definition the terms, in the first part, some specific issues regarding the fulfillment of the principles of territorial integrity and political sovereignty should be addressed. The relation of human rights and environmental protection to sovereignty is of special concern to the American delegation. The US thinks that the Nuremberg Trials poses as the bedrock of sovereignty limitation through human rights violations – which would reverberate on the ad hoc criminal courts for Rwanda and the former Yugoslavia. Moreover, as the Convention should be published under the Charter of the United Nations, it should incorporate some of its provisions, especially concerning actions with respect to threats to peace and security – i.e., Chapter VII.
- 3. Self-determination and decolonization** – Self-determination has been an important issue on America's international agenda ever since President Monroe's remarkable speech on the full independence of the Western Hemisphere. The very text of UNGA resolution 1514 provides that self-determination does not necessarily evolve into independency – it could also be fulfilled by the voluntary incorporation or free association with an independent state. America thinks this should be emphasized in the text of the Convention. This is especially sensitive to the United States as under its domestic law, the US government recognizes Indian tribes as political entities with inherent powers of self-government as first peoples and has a government-to-government relationship with Indian tribes. Furthermore, the American Government thinks that the past UN Trust

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Territories or territories which have been under UN direct administration should be considered as *sui generis* cases.

- 4. Scope and implementation.** An important theme that could not be neglected in this Conference is its scope. The Convention should establish the extent for its validity, both spatially and temporally, so as to avoid impreciseness and future disputes.

Mr. President,

Last, but certainly not least, America stresses the need, in all international fora, of diplomatic good-faith prevalence. Our Government wholeheartedly wishes this Conference successfully tackle the challenge of fulfilling the extensive agenda the Secretariat has schedule for this meeting, for the sovereignty and self-determination are key points for the whole globe.

Done at Washington, 13 July 2009.

 **CARLOS A. B. GOES**
*Special Envoy to the United Nations Conference
on Sovereignty and Self-Determination*